

Interstate Compact for Juveniles

Created by Section 37-4-101, *Tennessee Code Annotated*
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1. Provide a brief introduction to the compact, including information about its purpose, requirements, and the state officials involved.

The purpose of the Interstate Compact for Juveniles (ICJ) is to provide a system under which juvenile offenders can be supervised in states, other than the one in which they were adjudicated for juvenile offenses, to assure safety for victims and the public. It provides for a legal transfer of supervision and care for youth on probation and parole from one state to another. The original Interstate Compact on Juveniles was developed in 1955. The ICJ also provides guidelines for the safe return of runaway youth, those who run to and from Tennessee.

Following the initial success revising the Interstate Compact for Supervision of Parolees and Probationers (revised into the Interstate Compact for Adult Offender Supervision), the Office of Juvenile Justice and Delinquency Prevention (OJJDP) pursued a similar rewrite of the Interstate Compact on Juveniles. In 1999, OJJDP conducted a detailed survey which uncovered a number of contentious issues within the Compact's structure. In 2002 after finalizing the Compact's language, an educational campaign began to help state's policymakers better appreciate and understand the need for a new Compact. Thirty-five states had to agree and sign the new compact into law before it could be enacted. The new Compact reached its thirty-five state threshold when Tennessee and Illinois enacted in 2008, allowing for transition and operational activities to commence. Currently every state has joined the new Compact with the exception of Georgia and Puerto Rico (<http://juvenilecompact.org/About/History.aspx>).

Participation in the ICJ requires that Tennessee adhere to the rules of the compact as outlined in TCA 37-4-101, part I. Under the auspices of Commissioner Kathryn O'Day and Deputy Commissioner Albert Dawson, the ICJ is administered by the DCS Division of Juvenile Justice. Daily operations are under the purview of a DCS Director and a DCS Program Coordinator who is designated as Tennessee's Compact Administrator, and one clerical support staff member. DCS case management staff, stationed in regional offices throughout Tennessee, provide the actual supervision of youth on probation/parole as well as track Tennessee adjudicated youth who move to other states. They also help facilitate the return of runaways at the direction of the Compact Administrator.

2. Provide a list of the states with which Tennessee currently has agreements under the compact.

As a party to the compact, Tennessee has agreements with all states including the Virgin Islands and the District of Columbia; however, we do not have an agreement with the two non-member states (Georgia and Puerto Rico). Historically we have worked with

Georgia under the old ICJ and currently they are in the process of becoming a member state; however, we do work with Georgia to help preserve the safety of the public.

3. In the past two years, how many juveniles have been returned to Tennessee and by Tennessee pursuant to this compact?

The chart below depicts statistical information by case type for the ICJ.

	FY 09-10 7/1/09-6/30/10	FY 10-11 7/1/10-6/30/11	FY 11-12 7/1/11-5/31/12
Runaways returned to TN	69	64	33
Runaways Returned to other states	55	67	60
Incoming Case Totals			
Incoming Probation	183	166	137
Incoming Parole	30	23	19
Outgoing Case Totals			
Outgoing Probation	203	176	121
Outgoing Parole	63	41	50

Currently, as of May 31, 2012, there are 106 active incoming cases and 135 active outgoing cases and a total of eight runaways have been returned.

4. How does the compact affect individual juveniles, as well as the operations of the Tennessee juvenile justice system?

The compact allows Tennessee Juvenile Courts, and courts in other states, the flexibility to hear cases and dispose of cases of persons breaking the law in their counties. It ensures that the youth's behavior and case will be monitored when they leave the state. The court retains jurisdiction over the case and has a vehicle to monitor whether or not the youth is complying with the orders of the court.

The compact also allows families, who may have to relocate due to job transfers, the freedom to move yet still comply with the legal system. In some situations, parents are divorced and the children move from one parent to the other while still under the supervision of the court.

5. What were Tennessee's costs related to the compact during fiscal years 2011 and 2012? Please detail the sources and uses of those funds. How are the compact's administrative costs allocated among participating states? What is the cost per day for supervising juveniles who were adjudicated in another state but live in Tennessee?

Operation of the ICJ is funded with state and federal dollars. The cost per day for supervising juveniles who were adjudicated in another state and live in Tennessee is the same rate as supervising juveniles adjudicated in Tennessee. The rate for those non-

Sunset Public Hearing Questions | 2012

custody juveniles supervised in fiscal years 2010-2011 and 2011-2012 was \$17.62 per juvenile per day. Based on this daily rate the total cost for supervising juveniles adjudicated in other states that moved to Tennessee during fiscal years 2011 and 2012 was \$2,042,225 which includes the return of juveniles to Tennessee who had runaway, escaped, or absconded from supervision, interstate compact dues, and the Compact Administrator's salary. Using the same cost per day formula it would have cost the State of Tennessee \$2,257,386 to supervise the juveniles adjudicated in Tennessee that were transferred to other states.

The interstate compact's administrative costs per state are assessed based on the population of the state and the number of juvenile transactions that occur in that state.

Tennessee Interstate Compact for Juveniles Annual Report, Fiscal years 2010-2011 and 2011-2012, are listed below.

Fiscal Year 2010-2011			
Incoming Cases	Total	Probation	Parole
ICJ Cases received in Tennessee FY 2011-2012	166	143	23
Average number of juveniles supervised per month	153	128	25
Supervision cost for FY 2011-2012	\$983,989		
Transportation Cost for return of Juveniles who had runaway, escaped, or absconded in FY 2011-2012	24,464		
Deputy Compact Administrator Salary	\$40,000		
Interstate Compact Annual Dues	\$17,000		
Total Tennessee ICJ Costs for FY 2011-2012	\$1,065,453		
Outgoing Cases	Total	Probation	Parole
ICJ Cases sent to other states for supervision FY 2011-2012 (June 1, 2011-May 31, 2012)	176	135	41
Average number of juveniles supervised by other states per month	200	154	46
Supervision cost for other states FY 2011-2012	\$1,286,260		

**Formula for computing total cost of supervision: average number of juveniles supervised per month x 17.62 (cost per day) x 365 days in fiscal year.

Fiscal Year 2011-2012			
Incoming Cases	Total	Probation	Parole
ICJ Cases received in Tennessee FY 2011-2012	176	155	21
Average number of juveniles supervised per month	141	115	26
Supervision cost for FY 2011-2012	\$906,813		
Transportation Cost for return of Juveniles who had runaway, escaped, or absconded in FY 2011-2012	\$12,959		

Sunset Public Hearing Questions | 2012

Deputy Compact Administrator Salary	\$40,000		
Interstate Compact Annual Dues	\$17,000		
Total Tennessee ICJ Costs for FY 2011-2012	\$976,772		
Outgoing Cases	Total	Probation	Parole
ICJ Cases sent to other states for supervision FY 2011-2012 (June 1, 2011-May 31, 2012)	184	132	52
Average number of juveniles supervised by other states per month	151	117	34
Supervision cost for other states FY 2011-2012	\$971,126		

**Formula for computing total cost of supervision: average number of juveniles supervised per month x 17.62 (cost per day) x 365 days in fiscal year.

6. Who serves as the compact administrator for the State of Tennessee and how is the administrator designated? Does the state have a deputy compact administrator? If so, how is that person designated and who currently fills that position?

The Deputy Compact Administrator and Compact Administrator is one in the same. Sherry Bolden Rivers, 12861065DCS Program Coordinator, Division of Juvenile Justice currently serves in this capacity. The person selected to serve in this position has a juvenile justice background and is familiar with Departmental policies and procedures.

7. Has the State of Tennessee created a state council for interstate juvenile supervision as called for in Article IX of the compact? If so, who currently serves on the council and how are appointments made and by whom?

The State of Tennessee did create an Interstate Compact for Juveniles State Council this year. The appointments were made by Commissioner Kathryn O'Day and Deputy Commissioner of Juvenile Justice Albert Dawson. The first meeting was held on March 2, 2012. The group will meet bi-annually. Members of the ICJ State Council include the Honorable Judge Ken Witcher, Juvenile Court Macon County; Representative Johnny Shaw (D), District 80; Senator Delores Gresham (R), District 26; Elizabeth Reeve, Attorney, Disability Law and Advocacy Center; Albert Dawson; Jacqueline Moore, Director overseeing the ICJ; Sherry Bolden Rivers, Compact Administrator; and Cathlyn Samuel, Program Coordinator.

8. Who currently serves as the commissioner from the State of Tennessee on the interstate commission established by this compact? Do representatives from Tennessee currently serve in any leadership positions (i.e., chair, vice chair, etc.) with the interstate commission?

Sherry Bolden Rivers, Compact Administrator, represents Tennessee at the annual meeting of the Interstate Commission. Ms. Rivers serves as a member of the National Training Committee and is also a member of the Southern Regional Committee which

meets to address concerns or issues in the Southern states. The Southern Regional Committee states include Texas, Oklahoma, Arkansas, Missouri, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Kentucky, West Virginia and Virginia, Maryland and the District of Columbia.

9. What processes, if any, are in place for the prior review, within the state, of rules promulgated by the interstate commission as authorized in Article VI of the compact?

Proposed rule changes are reviewed by divisional staff, DCS legal staff and will be posed for discussion at Tennessee ICJ State Council meetings as presented by the National Commission.

10. Describe any items related to the compact that require legislative attention and your proposed legislative changes.

The existing law is intact as written; there are no proposed legislative changes or recommendations at this time.

11. Should Tennessee continue its participation in the compact? What are the advantages and disadvantages of continued participation? How would Tennessee's failure to participate in the compact affect the public health, safety, or welfare?

Tennessee should continue its participation in the compact, the advantages are noted in responses to questions above (1, 4, 5, 7,), there are no disadvantages. It gives Tennessee a way to work in conjunction with other states, to provide services on behalf of Tennessee Courts, promote public safety and victim's rights by monitoring the orders of the court.

If Tennessee does not participate there would be no legal way to monitor youth who runaway, monitor juvenile probationers and parolees cases which could adversely affect public safety.